



Federal Communications Commission
Washington, D.C. 20554

DA 06-1056

May 17, 2006

Elizabeth Buckley
Keller and Heckman LLP
1001 G Street, NW
Suite 500 West
Washington, DC 20001

Re: Call Sign: E940457
File No.: SES-MOD-20060407-00593

Dear Ms. Buckley:

On April 7, 2006, Wal-Mart Stores, Inc. (Wal-Mart) filed the above application to, among other things, modify its license for Earth Station E940457 to consolidate its Conventional Ku-band¹ VSAT network into one license, and add new 0.74 meter Prodelin remote antennas, new 0.74 meter Raven remote antennas, and new 0.98 meter Prodelin remote antennas to the network. For the reason detailed below, we dismiss the application in part as defective without prejudice to refileing.²

Pursuant to Sections 25.132(b)(3) and 25.220(b) of the Commission's rules, 47 C.F.R. §§ 25.132(b)(3) and 25.220(b), earth station applicants seeking to use antennas, such as the 0.74 meter Prodelin and Raven Antennas as well as the 0.98 meter Prodelin antenna, that are not compliant with the antenna performance standards of Sections 25.209(a) and (b) of the Commission's rules, 47 C.F.R. §§ 25.209(a) and (b), must submit antenna radiation patterns in their applications. Since Wal-Mart's application did not include these radiation patterns, this portion of the application is incomplete.

¹ 11.7-12.2 GHz and 14.0-14.5 GHz.

² If Wal-Mart refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).

In light of the above, pursuant to Section 25.112(a)(1)³ of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the request to add new 0.74 meter Prodelin remote antennas, 0.74 meter Raven remote antennas, and 0.98 meter Prodelin remote antennas; as defective. We defer the remaining portions of the application.

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau

³ 47 C.F.R. § 25.112(a)(1). *See also* Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).